

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

HILDA L. SOLIS, Secretary of Labor,
United States Department of Labor,

Plaintiff,

vs.

CONRADO BOBADILLA,

Defendant.

No. 1:09-cv-01112-PJK-GBW

ORDER and DEFAULT JUDGMENT

THIS MATTER came on for consideration of Plaintiff's Motion for Default Judgment filed June 18, 2010 (Doc. 10), and the court held an evidentiary hearing on July 9, 2010 in Las Cruces, New Mexico. Defendant failed to appear at the hearing. The motion will be granted.

Defendant has failed to answer or otherwise plead in response to Plaintiff's complaint. The Clerk entered default against Defendant pursuant to Rule 55(a) of the Federal Rules of Civil Procedure. Doc. 9. Defendant has not moved pursuant to Rule 55(c) to set aside the entry of default.

At the hearing, Plaintiff presented witnesses who testified as to Defendant's violations of the Migrant and Seasonal Agricultural Worker Protection Act (AWPA), 29 U.S.C. §§ 1801-1872, in the current case and Defendant's history of violations. Plaintiff

subsequently provided the court with a copy of another default judgment entered against Mr. Bobadilla in an earlier case in this district. United States v. Bobadilla, No. 90-CV-0725-SC (D.N.M. Feb. 28, 1991). That judgment temporarily and permanently enjoins Mr. Bobadilla from violating various provisions of the AWP. This injunction is being issued because Mr. Bobadilla did not appear and there appears to be an evidentiary basis for the government's position that Mr. Bobadilla has violated the AWP.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED and DECREED that Plaintiff's Motion for Default Judgment filed June 18, 2010 (Doc. 10) is granted;

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Defendant Conrado Bobadilla, his agents, servants, employees, and those persons in active concert or participation with him are permanently enjoined from violating the AWP by:

- a. failing to make, keep, and preserve employee records for three years with the information required by 29 U.S.C. § 1831(c)(1)(A) – (F), including records of hours worked;
- b. failing to provide itemized wage statements to workers;
- c. failing to provide safe transportation vehicles for workers as required by 29 U.S.C. § 1841(b)(1)(A);
- d. using or causing to be used a vehicle to transport workers without having proper insurance or without furnishing proof of financial responsibility as required by 29 U.S.C. § 1841(b)(1)(C);

e. failing to register as a farm labor contractor with the Secretary of Labor as required by 29 U.S.C. § 1811(a);

f. failing to register employees with the Secretary of Labor;

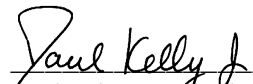
g. failing to comply with a court judgment or final order of the Secretary of Labor as required for a certificate of registration by 29 U.S.C. § 1813(a)(4); and

h. failing to otherwise comply with the AWPA;

IT IS FURTHER ORDERED, ADJUDGED and DECREED that any violation of this injunction by Defendant Conrado Bobadilla may be met with further action against him to hold him in contempt, including criminal contempt as may be appropriate; and

IT IS FURTHER ORDERED, ADJUDGED and DECREED that this court shall retain jurisdiction for the purpose of enforcing compliance with this injunction and ordering such further relief as may be necessary.

DATED this 14th day of July 2010, at Santa Fe, New Mexico.


United States Circuit Judge
Sitting by Designation